

REMARKS

Upon entry of the present amendment, claims 1 and 3-11 will have been amended in order to clarify the recitations thereof and without narrowing the scope of the claims. In addition to rendering the language of the claims more in accordance with U.S. grammar, idiom and syntax, means-plus-function terminology will have been eliminated from the claims. The amendments to the claims do not narrow the claims and thus should not give rise to any prosecution history estoppel.

In the outstanding Official Action, the Examiner set forth an election of species requirement and asserted that the application contains claims directed to patentably distinct species of the present invention as embodied in Fig. 1, Fig. 3, Fig. 7, Fig. 9, Fig. 11, Fig. 13, Fig. 15, Fig. 16, Fig. 18 and Fig. 19. Accordingly, the Examiner required Applicants to elect a single disclosed species for prosecution on the merits and indicated that no claim appears to be generic. As noted above, and without acquiescing in the propriety of the Examiner's election of species requirement, Applicants have elected, with traverse, Species I to which claims 1 and 9 are directed.

Initially, Applicants wish to note several inaccuracies in the Examiner's listing of the embodiments of the present invention. In particular, Figs. 3, 9 and 13 do not describe separate embodiments of the present invention but rather are descriptive of features of the first, second and third embodiments, respectively. In particular, Fig. 3 relates to the operation of the first decision unit of Fig. 2 which is related to the first embodiment. Similarly, Fig. 9 relates to the operation of the second decision unit of Fig. 8 which is related to the second embodiment of Fig. 7. Finally, Fig. 13 relates to the operation of the

third decision unit shown in Fig. 12 which is related to the third embodiment of the present invention.

Moreover, Applicants respectfully submit that all of the claims in the present application should be examined together. The claims are obviously related and the various embodiments are so related as to render concurrent examination more efficient than the division of the application into plural applications.

Moreover, the Examiner's election of species requirement has not set forth one of the two requirements for a proper election of species requirement now embodied in MPEP § 803. In particular, the Examiner has not set forth the existence of a serious burden in the event that election of species is not required. Because the Examiner has not set forth evidence supporting the existence of a serious burden, and because a serious burden does not exist in the present application, it is respectfully submitted that the Examiner's election of species requirement is improper and should be reconsidered and withdrawn.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding election of species requirement together with an examination of claims 1-11 and an indication of the allowability of such claims in due course. Such action is respectfully requested and is now believed to be appropriate and proper.


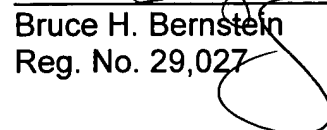
SUMMARY AND CONCLUSION

Applicants have amended the claims of the present application in order to clarify the language thereof and without narrowing the scope of the claims. Applicants have also elected, with traverse, the Species of Fig. 1 for examination in the present application should the Examiner not decide to withdraw the Restriction (election of species) Requirement. Applicants have further set forth adequate and sufficient reasons for the withdrawal of the election of species requirement and respectfully requested such action. Accordingly, Applicants respectfully request an action on the merits of all the claims in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Hirotsada HIGASHIHAMA et al.

 William Pieprz  
Reg. No. 33,630  
  
Bruce H. Bernstein  
Reg. No. 29,027

January 10, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191